



Guyana

Country Reports on Human Rights Practices - [2002](#)

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The Co-operative Republic of Guyana has a multiparty political system based on proportional representation. Citizens elect an executive president and a 65-member unicameral parliament. The President appoints a prime minister and a cabinet. In March 2001, citizens voted in a generally free and fair national election to reelect the People's Progressive Party (PPP) and its Civic (C) partner. Incumbent Bharrat Jagdeo received his own mandate for a 5-year term as President. Social unrest and occasional violence marred the postelection period, with the main opposition party alleging that election procedures violated the Constitution. Despite some technical problems, international observers considered the elections free and fair. The judiciary, although constitutionally independent, was inefficient and often appeared subject to government influence.

The Guyana Defence Force (GDF) and the Guyana Police Force (GPF) were under effective civilian control. The GDF was a professional military responsible for national defense, internal security, and emergency response. The GPF, which included a Target Special Squad (TSS) that has some paramilitary training, has the authority to make arrests and was responsible for maintaining law and order throughout the country. Some members of the police force committed human rights abuses.

The economy, which for years was controlled under a system of central planning, was based on a mix of private and state enterprises. The country has a population of approximately 735,000. Rice, sugar, bauxite, gold, fish, and timber were the major exports. There were severe shortages of skilled labor, and the economy was constrained by an inadequate and poorly maintained infrastructure for transportation, power distribution, flood control, and communications. Government estimates placed real economic growth at 1 percent during the year, compared with 1.9 percent in 2001. A 1999 U.N. Development Program living conditions survey showed that 35 percent of the population lived in poverty; 21 percent were extremely poor.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. The police continued to commit unlawful killings, and police abuse of suspects continued to be a problem. The authorities took some steps to investigate abuses, but in general, the police continued to commit abuses with impunity. Prison conditions remained poor, and lengthy pretrial detention continued to be a problem. The inefficient judicial system resulted in long delays in trials. Police infringed on citizens' privacy rights. The Government charged a television talk show host and a political activist with treason. Violence against women and children, societal discrimination against women and indigenous Amerindians, incidents of discrimination stemming from the racial tensions between Indo-Guyanese and Afro-Guyanese, child labor in the informal sector, and trafficking in persons were all problems. Guyana was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The police continued to commit unlawful killings. The Guyana Human Rights Association (GHRA) reported that the police killed 24 civilians during the year, compared with 16 in 2001. In most cases, the police shot the victims while attempting to arrest them or while a crime was being committed. Public investigations rarely were conducted into such killings; in general police abuses were committed with impunity.

In February five prisoners escaped from the Georgetown Camp Street Prison, setting off a crime wave that overwhelmed the security forces. The GPF had little success apprehending the criminals, who began targeting police officers. From February to October, 12 law enforcement officers were killed in separate incidents.

On April 6, members of the TSS killed Shaka Blair during a night raid on his house in Buxton. Police alleged that Blair was harboring the February prison escapees and fired on police as they approached the house. Police claimed that they found a hand grenade in his possession. Blair's wife and neighborhood residents disputed the police version of events, claiming that Blair was murdered as direct retribution for the killing of TSS member police Superintendent Leon Fraser on April 2. On April 16, Working People's Alliance executive committee member Eusi Kwayana filed private criminal murder charges against GPF Senior Superintendent Steve Merai of the TSS for Blair's murder. The Director of Public Prosecutions (DPP) dismissed those charges; however, the case was appealed to the High Court where it was awaiting a ruling by the Chief Justice.

On May 10, police killed Wesley Hendricks during a raid on his house in Georgetown. Police stated that they stormed the residence after receiving a tip that one of the February prison escapees was seen in Hendrick's house. The raid netted a quantity of weapons and ammunition.

On July 3, members of the Presidential Guard shot and killed Mark Crawford and Albetha Fufe after approximately 100 protesters, led by local political activist Phillip Bynoe, stormed the Presidential Office Compound in Georgetown during a large opposition political protest march. The Government charged television talk show host Mark Benschoep and Bynoe with treason for inciting the crowd to invade the complex (see Section 2.b.).

On July 25, Kwame Pindleton and Leroy Lowe were killed during a shootout with police after they attempted to run a police roadblock outside Georgetown. Two other men with Pindleton and Lowe managed to escape. News reports identified Lowe as a former police officer. The GPF stated that Pindleton was wanted in connection with several murders.

On September 21, police shot and killed Dexter Dubissette in Georgetown. Police stated that Dubissette was killed during an encounter with members of the TSS, but eyewitnesses disputed the police statements. They claimed that Dubissette was killed after being summoned to approach the vehicle in which TSS officers were riding.

On October 11, police shot and killed Shawn Welcome while he was in custody. Police arrested Welcome for possession of a weapon, a hand grenade, and a quantity of cocaine and cannabis. Police stated that Welcome was shot after he attempted to wrestle a gun away from an officer escorting him to a police station. Police sources stated that Welcome, along with three accomplices, was wanted in connection with four murders and a series of robberies.

In February the High Court nullified the November 2001 coroner's jury verdict that the police were responsible for the 2000 death of Mohammed Shafeek, who died in Brickdam police lockup.

In most of the killings by police in previous years, including the police shootings of Azad Bacchus, Shaazad Bacchus, and Fadil Ally in 2000, and of Fazal Narine and Colin McGregor in 1999, there were no new developments.

During their weekly press conferences, representatives of the opposition party, the People's National Congress/Reform (PNC/R), called repeatedly for public inquiry into the operations of the TSS and urged the Government to dismiss the Minister of Home Affairs. On April 9, at a rally following street violence that broke out after the April 6 police killing of Shaka Blair, opposition leader Desmond Hoyte called for the Government to disband the TSS and claimed that the Blair shooting "must be laid at the feet of the PPP Government." The Government continued to refuse to recognize police killings as a problem and did not conduct any special investigations into the operations of the TSS.

In June 2001, the GHRA issued a press statement strongly criticizing the increase in extrajudicial killings and calling for a National Oversight Committee to implement a national security policy. It stated that the GPF was overwhelmed by criminal and politically induced lawlessness. According to the GHRA, eight police killings took place during the 2 months after the national elections in 2001, and the GHRA recommended investigations into the coincidence of periods of high levels of political lawlessness and such killings.

In March 2000, the U.N. Human Rights Committee made 22 recommendations to the Government, including a call for prompt investigation by an impartial body of police killings and excessive use of force. It also called for measures to ensure the prosecution of offenders and to provide effective remedies to victims. The Committee recommended that all law enforcement officials receive thorough training in international human rights standards. During the year, the GHRA conducted two general human rights training programs for the GPF, two programs for the Prison Service, and one session for the GPF and the GDF.

Many justice authorities and human rights activists stated that due to rising crime and pressure from urban businesses, which were often the targets of criminals, the Government did not actively pursue investigations of alleged police abuses.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture; however, police continued to abuse suspects. The GHRA continued to consider mistreatment

of prisoners by prison officers a problem. Moreover, inmates, attorneys, and judicial authorities provided credible evidence that police and correctional officers frequently ignored the actions of other inmates who beat, robbed, or otherwise mistreated "problem" prisoners.

The Police Complaints Authority (PCA) was composed of five members who investigated complaints against police officers. The law provides for the independence of the PCA; however, most members were from the criminal justice system, and the PCA was not truly independent. The PCA received 98 complaints through September (compared with 44 in all of 2001); it completed investigations of 43 cases and sent them to the Police Commissioner for action. However, there was no information publicly available on the status of the investigations. Even when police officers faced charges, most of the cases were heard by lower magistrate courts, where other specially trained police officers served as the prosecutors (see Section 1.e.). Human rights monitors questioned officers' commitment to prosecute their own colleagues.

The Office of Professional Responsibility (OPR) also investigated complaints against police. As of 2000, at least 99 cases resulted in some type of disciplinary action being taken against police officers. The OPR did not release any information on how many cases it received during the year, how many it completed action on, and how many were awaiting instructions from the Department of Public Prosecutions.

Prison and jail conditions were poor, particularly in police holding cells. Georgetown's Camp Street Prison, the country's largest, was overcrowded. The Prison Authority reported that there were approximately 600 inmates in the facility, a decrease from 850 held there in 2001. According to prison officials, the facility was intended to hold 500 inmates; however, the GHRA stated that the Camp Street Prison initially was designed to hold 350 inmates. Conditions in the country's four smaller prisons generally were adequate; they held between 650 and 700 inmates. The GHRA continued to advocate improved health care in the prison system. In addition to overcrowding and a lack of medical personnel, poor staff morale was a serious problem. Prison staffers were poorly paid, and their salaries and benefits were insufficient to compensate for the on-the-job risks; however, they made efforts to improve conditions for prisoners. Prison officials lobbied the Government for increased funding to improve prison conditions; they also encouraged efforts by local and international nongovernmental organizations (NGOs) to improve physical and sanitary conditions.

In July 2001, members of a United Kingdom Prison Reform Team recommended that a high-level Commission on Criminal Justice be established to address the problems within the prison system. The team spent 18 months reviewing the Prison Service and found the major problems to be overcrowding, poor conditions for prisoners and staff, perceived infringement of basic human rights, minimal rehabilitation, and high cost to taxpayers. The most immediate concern of the team was overcrowding, which was attributed in large part to the lack of alternatives to imprisonment. The team found that more than 80 percent of prisoners were serving time for minor offenses with sentences of from 1 to 3 months.

The GHRA reported no deaths in prison during the year attributed to overcrowding; 12 prisoners died from disease. In October 2000, the GHRA criticized prison authorities for the death of Michael Ramcharran at the hands of another inmate, which the GHRA said was the direct result of overcrowding at the Camp Street Prison. To reduce overcrowding, the GHRA called on the judiciary to consider alternate sentencing for minor offenses, rejuvenation of the Parole Board, and the release of ill prisoners who have completed almost all of their sentences. However, the Government did not adopt any of these recommendations. The Parole Board continued to play a more active role, but was reluctant to release prisoners due to insufficient postrelease resources, including a lack of staff to monitor parolees.

Although sanitary and medical conditions in police station temporary holding facilities varied, in almost all cases these conditions were worse than those in the prisons. Some such jails were bare, overcrowded, and damp. Few had beds, washbasins, furniture, or utensils. Meals normally were not provided; friends and relatives had to bring detainees food and water. Cells rarely had sanitary facilities, and inmates sometimes were escorted by staff members outside the cells to use holes in the floor for toilets. Inmates generally slept on a thin pallet on the concrete floor. The Brickdam lockup in Georgetown had poor sanitation and dangerous conditions. One cell without plumbing or other facilities typically held up to 30 detainees and often was the site of violence between inmates. Although precinct jails were intended to serve only as pretrial holding areas, some suspects were detained there as long as 4 years, waiting for the overburdened judicial system to act on their cases.

Pretrial detainees were held separately from convicted prisoners.

Conditions were generally adequate in the only women's prison, which is at New Amsterdam, in a facility that held men and women in separate dormitory-type buildings. There were a number of vocational and educational courses. In 2001 the GHRA urged that female inmates' responsibility for children be recognized in terms of length of sentence and facilities for family contact. The East La Penitence police jail, where female prisoners were held until sentencing, was upgraded in 2000; sanitation improved, and piped water was provided for the inmates.

Following widespread criticism caused by the detention in 1999 of two boys (ages 8 and 11) with adult prisoners who mistreated them, police were careful to place juvenile offenders in a fairly adequate separate facility. The Ruimveldt police station was the only facility holding juveniles between ages 14 and 17 years.

Prison officials were receptive to local and international NGO requests to enter and inspect prison facilities. The GHRA participated as a member of the prisons' visiting committee, which investigated prisoner complaints, inspected diets, reviewed primary medical care services, and provided recommendations to prison authorities.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that no person may be deprived of personal liberty except as authorized by law and requires judicial determination of the legality of detention, a mandate that the authorities generally respected in practice.

Arrest does not require a warrant issued by a court official. Police may arrest without a warrant when an officer witnesses a crime or at the officer's discretion in instances where there is good cause to suspect that a crime or a breach of the peace has been or will be committed. The law requires that a person arrested and held for more than 24 hours be brought before a court to be charged. Bail was generally available, except in capital offense cases. In narcotics cases, magistrates had limited discretion in granting bail before trial and were required to remand persons convicted of such crimes into custody, even if an appeal were pending.

Lengthy pretrial detention remained a problem; however, the Government, according to the GHRA, made an effort to reduce the backlog of cases. It raised the salaries of magistrates and demanded that judges spend more time hearing cases and handling matters more expeditiously. The GHRA estimated average pretrial detention at between 18 months and 2 years; a decline from 3 or 4 years common in past years.

The Constitution prohibits forced exile, and it was not used.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but law enforcement officials and prominent lawyers questioned that independence and accused the Government of intervening in certain cases. In most human rights cases, the Government generally respected the independence of the judiciary.

The court system is composed of a high court (the Supreme Court of Judicature), an appeals court, and a system of magistrate courts. Magistrates were members of the civil service and were trained lawyers. The magistrate courts dealt with both criminal and civil matters, and specially trained police officers served as prosecutors in lower magistrate courts. The Ministry of Legal Affairs, headed by the Attorney General, was the principal legal advisor to the State. The Director of Public Prosecution was statutorily independent and could file legal charges against offenders. The Constitution provides that anyone charged with a criminal offense has the right to a hearing by a court of law. This right generally was respected in practice.

Delays in judicial proceedings were caused by shortages of trained court personnel and magistrates, inadequate resources, postponements at the request of the defense or prosecution, occasional alleged acts of bribery, poor tracking of cases, and the slowness of police in preparing cases for trial. There were reports that police who served as prosecutors in lower magistrate courts were reluctant to prosecute police accused of abuses (see Section 1.c.). The inefficiency of the judicial system undermined due process.

Lengthy pretrial detention remained a problem (see Section 1.d.).

In June 2001, Members of Parliament voted to amend the Constitution, incorporating a number of recommendations from the Constitution Reform Commission. Intended to strengthen the judiciary, the changes removed from executive control the appointment of judges and members of the Judicial Service Commission (JSC), as well as the ability to extend the tenure of judges beyond the age of retirement. In addition, the bill granted the JSC power to appoint the Director and Deputy Director of Public Prosecutions, the Registrar and Deputy Registrar of the High Court, and the Registrar and Deputy Registrar of Deeds. The amendments also allowed the President, on the advice of the JSC, to make temporary appointments of judges to sit in magistrate courts and the High Court. The number of appointments was to depend on the outcome of an audit of pending cases.

Due to the absence of the Constitutional Service Commissions (Public Service Commission, the Police Service Commission, the Teaching Service Commission, and the Judicial Service Commission) there were no appointments or promotions to Public Service, the Police Force, the Teaching Service, or the judiciary and magistracy for over a year. The service commissions were casualties of the political impasse between the PPP/C and the PNC/R over the composition in Parliament of the four sectoral standing committees and the representation of each party on the parliamentary management committee.

Defendants were granted public trials, and appeals could be made to higher courts. Defendants were presumed innocent until found guilty. Cases in magistrate's courts were tried without jury; more serious cases were tried by jury in the High Court. Appeals of some murder cases may go on for several years. Trial postponements were granted routinely to both the defense and the prosecution. Programs designed to improve legal structures, reform judicial procedures, upgrade technical capabilities, and improve efficiency of the courts had only a limited effect. Judicial staff still needed further training in all areas. Although the law recognizes the right to legal counsel, in practice, with the exception of cases involving capital crimes, it was limited to those who could afford to pay. There was no public defender system, but defendants in murder cases who needed a lawyer were assigned an attorney by the court.

The Georgetown Legal Aid Clinic, with public and private support, provided advice to persons who could not afford a lawyer,

with a special interest in cases of violence against women and criminal cases related to civil cases (for example, assault as part of a divorce case). The Guyana Association of Women Lawyers provided free legal services for civil cases only.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right of privacy; however, the authorities often infringed on citizens' privacy. Law enforcement officials must obtain warrants before searching private homes or properties. Although the authorities generally respected these requirements, there were numerous reports of police officers searching homes without warrants, particularly in neighborhoods where narcotics trafficking was a problem.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Citizens openly criticized the Government and its policies.

The independent Stabroek News published daily, and a wide range of religious groups, political parties, and journalists published a variety of privately owned weekly newspapers. The Government's daily newspaper, the Guyana Chronicle, covered a broad spectrum of political and nongovernmental groups. However, throughout the year, the Chronicle typically displayed a clear antiopposition bias.

On July 11, police arrested Mark Benschop, talk show host of the television program "Straight Up," and charged him and political activist Phillip Bynoe, who remained at large, with sedition and inciting persons "by words and conduct" during the July 3 storming of the Presidential Office Complex. The Government alleged that Benschop and Bynoe delivered speeches at several public meetings between June 1 and July 3 urging their audiences to overthrow the Government (see Section 2.b.). In August the Government began a preliminary inquiry into charges of treason against Benschop; the case was still pending at year's end.

On May 24, President Jagdeo signed the Inter-American Press Association's 1994 Declaration of Chapultepec and stated that the local media corps had nothing to fear from the Government.

In contrast to the Government's tolerance of the print media, a growing number of journalists charged the Government with failure to respect freedom of the electronic media. The Government owned and operated the country's sole radio station, which broadcast on three frequencies. There were no private radio stations, and private interests continued to allege that the Government either denied or failed to respond to more than 20 requests for radio frequency authorizations. The Government maintained that it was unable to grant frequencies to private stations because there was no legislation governing their allocation. However, despite a similar lack of legislation to govern television frequencies, there were 12 independent television stations in addition to the government station.

On May 9, VCT Channel 28 aired a taped statement by the late prison escapee Andrew Douglas proclaiming his innocence and protesting lengthy trial delays. In the absence of a broadcast authority, the Government asked the Advisory Committee on Broadcasting to sanction the television station for breach of broadcast standards relating to content. The three-member committee refused to rule on the issue, stating that it was not in its mandate to do so.

In May 2001, Prime Minister Samuel Hinds announced that the Government no longer would tolerate unregulated broadcasting, and that all television stations would be required to adhere to existing legislation and obtain an official license. The existing laws—the Post and Telegraph Act and Wireless Telegraphy Regulations—were to remain in effect until a Commission on Broadcasting developed new broadcasting legislation. Conditions for obtaining a license included assurances that stations would not broadcast any program likely to offend the public, incite racial hatred or crime, or lead to public disorder. The opposition strongly criticized the announcement, stating that enforcement of the deficient existing legislation was an attempt to censor broadcasting that is critical of the Government. Despite the controversy, 22 stations applied for broadcasting licenses, and the Government granted 15 licenses in December 2001.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice; however, the police occasionally used force against demonstrators.

The Public Order Act requires police permits for mass political meetings. The Police Commissioner has the authority to refuse permission for a public meeting if he believes that it may provoke a breach of the peace. In cases of refusal, applicants may appeal to the Minister of Home Affairs, whose decision on the matter is final. After obtaining authorization, which generally was granted, political parties and other groups held public meetings and rallies throughout the country without hindrance.

On July 3, members of the Presidential Guard shot and killed Mark Crawford and Albetha Fufe after approximately 100 protesters, led by political activist Phillip Bynoe, stormed the Presidential Office Compound in Georgetown during a large opposition political protest march (see Section 1.a.). Organizers staged the march to coincide with the Caribbean Community (CARICOM) Heads of Government Meeting hosted by the Government. The Government charged television talk show host Mark Benschoop and Bynoe with treason for inciting the crowd to invade the complex.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement within the country, and the Government generally respected this right in practice. Travel to Amerindian areas requires government permission, the result of a law dating from colonial times designed to protect indigenous people from exploitation. However, in practice most persons traveled throughout these areas without regard to the formality of a permit. Citizens were free to travel abroad, to emigrate, and to return.

The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government did not have a formal policy on refugees or asylum and did not enact model legislation prepared by the UNHCR. The issue of provision of first asylum did not arise.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Citizens enjoyed this right and exercised it in free and fair elections held in March 2001. There was a multiparty political system based on proportional representation. Voters indirectly elect the President to a 5-year term of office. Any citizen 18 years or older may register to vote.

The party that wins the most votes for parliament wins the presidency. A party's presidential candidate must be announced in advance of the election. The President appoints a cabinet and a prime minister who, with the President, exercise executive power. Citizens were free to join or support political parties of their choice. Since the party in power controls Parliament, the legislature typically provided only a limited check on the executive's power. In November 2000, the National Assembly amended the Representation of the People Act and the Constitution to permit the election of 25 of the 65 deputies from regional constituencies. Voters elected the other 40 from a national slate of nominees chosen by the parties from different sectors of society.

In 1999 Finance Minister Bharrat Jagdeo succeeded to the presidency following the resignation of Janet Jagan for health reasons. In December 2000, Parliament passed a Constitutional Amendment Act that imposed a 7-year residence requirement on candidates for the presidency and set a limit of two terms. In addition, the act removed a clause that made the President immune from prosecution, and it limited to four the number of ministers who need not be elected Members of Parliament.

In March 2001, citizens voted in a generally free and fair election to sustain the PPP/C in office, defeating the PNC. Incumbent Bharrat Jagdeo received his own mandate for a 5-year term as President. However, the opposition called for the courts to declare the election unconstitutional and illegal, which delayed Jagdeo's swearing in until later that month.

In response to allegations of an unconstitutional electoral process, the Guyana Elections Commission (GECOM) ordered a review and audit of the March 2001 election, conducted by an eight-member team headed by a representative of the Institute for Democracy and Electoral Assistance (IDEA). The team investigated voter registration, the production of identification cards, staffing of polling stations, operational and contingency planning, the counting of votes, and the declaration of election results. As part of the review, the team conducted detailed consultations with political parties, representatives of civil society, and members of GECOM in June 2001. The results, published in mid-August 2001, stated that IDEA was unable to find any evidence of deliberate manipulation or electoral fraud despite several procedural errors and system failures that the audit examined in some detail. The report found no evidence of a conspiracy or corruption to manipulate election systems or the election results, as the opposition alleged.

Guyana is a racially divided society in which the political party structure reflected the polarization of the main ethnic groups. The two major parties (the PPP and the PNC) were formed largely by Indo-Guyanese and Afro-Guyanese, respectively.

There were no legal impediments to the participation of women or minorities in the political process. The December 2000 constitutional amendments required that one-third of the parliamentary candidates be female. The 65-member Parliament included 20 women and 4 Amerindians, representing both major parties. The 20-person Cabinet included 4 women and 1 Amerindian, and the Chancellor of the Judiciary was a woman.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The authorities did not interfere with the activities of human rights groups. The GHRA, the most active local human rights group, functioned without government interference. Trade unions, professional organizations, various ethnic groups, and churches participated in the GHRA. It issued periodic press releases and published an annual report on human rights. Members of the Government openly discussed human rights issues and made public statements in response to foreign and local human rights reports.

In June 2001, Parliament approved an act that provided for the establishment of a Human Rights Commission (HRC). The HRC was charged with promoting the observance and respect for rights outlined in the Constitution, and protecting and investigating violations of these rights and any other law relating to equality of opportunity and treatment. The HRC comprised a Chairperson and the four chairpersons of the Women's, Children's, Indigenous, and Ethnic Relations Commissions in the Parliament; however, these commissions did not have a staff or a budget for operations.

In 2001 the GHRA issued a press release in response to the announcement of the newly established HRC, calling the Commissions Act a "lost opportunity," and criticizing the haste with which the act was developed and implemented. It further complained about the lack of members specifically charged with observing, protecting and investigating fundamental human rights and freedoms, and the lack of authority given the commission.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides fundamental rights for all persons regardless of race, sex, religion, or national origin; however, the Government did not always enforce these provisions effectively.

Women

Violence against women, including domestic violence, was widespread, and NGOs reported that domestic violence crossed racial and socioeconomic lines. Despite efforts by NGOs and the DPP to sensitize police officers to domestic violence, the police often were hesitant to interfere in cases of domestic disputes. According to Help and Shelter (H&S), the first local NGO dedicated to fighting domestic violence, it handled 375 cases of abuse, including child, spousal, nonspousal, and other domestic abuse between January and September.

The Domestic Violence Act defines domestic violence, establishes it as a crime, and gives women the right to seek prompt protection. Magistrates may issue interim protection orders when a victim of abuse, a police officer, or a social worker fills out an application for protection. A magistrate then evaluates the case and decides whether to replace interim orders with permanent orders. The act allows victims to seek protection, occupation, or tenancy orders. Protection orders prohibited abusers from being anywhere that the applicant lives, works, visits, or attends school. If protective orders were violated, the abuser could be fined up to \$54 (G\$10,000) and imprisoned for up to 12 months; however, this legislation frequently was not enforced. Occupation orders allowed the victim and any children to remain in a home previously shared with an abuser, while the abuser must leave. Similarly, tenancy orders required an abuser to leave a rented dwelling and to continue to pay some or all of the rent. The GHRA criticized the structure of the Domestic Violence Act, stating that the law could not be implemented until appointments have been made to the Women's Affairs Bureau. In addition, the GHRA reported that the forms needed to request court orders were printed infrequently and were rarely available to the public.

In March 2000, the U.N. Human Rights Committee criticized the lack of information about the effect of the Domestic Violence Act in reducing the level of violence against women. The committee called for training police and other law enforcement personnel in the importance of ensuring that women who were victims of violence were accorded equal protection and that preventive and punitive measures were enforced. In 2001 the Government held 2-week training seminars for police officers to sensitize them to the issues and advise them about procedures. The authorities required officers who received training to conduct outreach to other officers.

In its efforts to combat domestic violence, H&S focused on societal reeducation in order to sensitize the public to domestic violence. By February 2001, H&S had counseled 3,872 persons since it began offering counseling services in November 1995. H&S reported that 79.2 percent of its cases from January to October involved spousal abuse.

Rape, particularly of girls and young women, was a serious problem but infrequently reported or prosecuted. Health

professionals and NGOs also reported a high incidence of incest. Lawyers said that while more victims reported these crimes to the authorities, there still was a social stigma applied to the victim for doing so. An estimated 3 percent of cases reported to H&S were rape cases; the vast majority of these—70 percent— were reported by victims age 17 and under.

Prostitution is illegal, but it did occur, and it received increased public attention due to the high incidence of HIV/AIDS among prostitutes.

There was no legal protection against sexual harassment in the workplace. The law prohibits dismissal on the grounds of pregnancy, and dismissal on such grounds did not occur in practice. The Women's Affairs Bureau of the Ministry of Labor monitored the legal rights of women, but its role was limited to employment-related services. The Women's Leadership Institute, a collaborative effort between the Government and the U.N. Development Program, sought through education and training to facilitate greater participation by women in government and the private sector. The center planned to train an average of 350 women annually on issues such as women's rights, status of women, violence against women, and leadership development. In September 2001, 100 women began the first phase of the program, which involved 15 hours per week of training for 4 months.

The 1997 Antidiscrimination Act built upon the provisions of the 1990 Equal Rights Act. The two laws provide a strengthened framework under which women and minorities may seek redress for discriminatory acts or practices. However, no case ever has been tried under the Equal Rights Act, and critics of the Antidiscrimination Act claimed that it was unlikely to be effective since it places enforcement responsibilities on the overburdened Chief Labor Officer.

The law protects women's property rights in common-law marriages and entitles a woman who separates or divorces to one-half the couple's property if she had been working and one-third of the property if she had been a housewife. Divorce by consent remained illegal. The courts may overturn a husband's will in the event that it does not provide for his wife, as long as she was dependent on him for financial support.

Children

Children were affected more severely by the country's poverty than any other group. One-third of the population was under 18 years of age and, although the Government provided free education through secondary school (it is compulsory until age 14), the severe deterioration of the public education and health care systems limited children's future prospects. The public health system was inadequate, and private health care was unaffordable for many children. Children often did not attend school because their families needed them to contribute to the household by working or providing childcare for siblings or younger relatives (see Section 6.d.).

Concern continued to rise over the effects of domestic violence on children. It was unclear how many deaths from child abuse took place, since law enforcement officials believed that the vast majority of criminal child abuse cases were unreported. H&S reported that it received 31 cases of child abuse between January and September, the equivalent of 8 percent of its cases for that time period. In June 2001, the Welfare Section of the Georgetown Education Department stated that reports of physical and sexual abuse of children were on the rise, with an average of two to three cases per month in the capital city alone. There were no law enforcement investigative procedures in place to determine if abuse or parental incapacity were the true causes of death in some cases of the 400 children under the age of 5 who died each year, deaths that usually were attributed to malnutrition or disease.

Media reports of rape and incest further indicated that violence against children was a significant problem. The Domestic Violence Act allows police officers or social workers to file an application on behalf of an abused child, but there was a lack of social services or trained experts to assist children fleeing sexual, physical, or emotional abuse. Many children suffered from neglect or abandonment, particularly when from 1 to 2 percent of the adult population emigrate each year, often leaving children behind.

There were reports of child prostitution (see Section 6.f.).

UNICEF criticized the practice in which girls traded sexual favors for money, gifts, or help in employment or higher education, a practice sometimes condoned by their parents yet obscured by cultural norms.

Media reports indicated that violence against children in public schools continued to occur, but Education Ministry data on the number of corporal punishment cases were unavailable. In June 2001, one student suffered a broken collarbone and another a broken elbow as a result of flogging by their teachers. Both teachers involved in the incidents returned to work pending investigations. The Ministry of Education responded to these incidents with a 30-point program intended to phase out corporal punishment in schools.

Persons with Disabilities

There was no law mandating provision of access for persons with disabilities, and the lack of appropriate infrastructure to provide access to both public and private facilities made it very difficult to employ persons with disabilities outside their homes. In 1997 Parliament passed a law establishing a council for persons with disabilities, which functioned throughout the year.

There were several special schools and training centers for persons with disabilities, but the facilities lack trained staff and were in disrepair.

Indigenous People

The Amerindian population, which consists of nine tribal groups, constituted an estimated 8 percent of the population. Most lived in reservations and villages in remote parts of the interior. Their standard of living was much lower than that of most citizens and their ability to participate in decisions affecting their lands, cultures, traditions, and the allocation of natural resources was limited. Access to education and health care in Amerindian communities was limited severely.

Amerindian life is regulated by the Amerindian Act, legislation dating from colonial times designed to protect indigenous people from exploitation. Under the act, the Government may determine who is an Amerindian and what is an Amerindian community, appoint Amerindian leaders, and annul decisions made by Amerindian councils. It also prohibits the sale of alcohol to Amerindians and requires government permission before any Amerindian may accept formal employment; however, these provisions were not enforced. Both Amerindian individuals and groups remained free to criticize the Government. In 1998 the Ministry of Amerindian Affairs admitted that the Amerindian Act was antiquated and expressed a commitment to update it, although it took no action to do so.

The Government has long maintained that it was committed to demarcating lands that traditionally have been the home of Amerindians, but the Government held title to almost all the country's land and was free to act as it wished without consultation. According to the Amerindian Peoples Association, the Government demarcated over 30 Amerindian communities since 1998; however, most communities rejected the demarcations because they did not conform to community-defined boundaries, often reducing land size or transferring land to other communities. In October six Amerindian villages filed a formal land claim seeking legal recognition of land titles, but the Government failed to respond to the petition.

Amerindian NGOs regarded government consultations as mere public relations exercises and demarcation as a means of confining Amerindian communities so that the remaining areas that Amerindians considered to be their land could be offered as concessions to miners and loggers. (Most of the titles to demarcated land were granted decades ago under the Amerindian Act and did not allow for the growth of Amerindian communities.) The Amerindian NGOs claimed that Amerindian leaders were not consulted properly and were pressured into uninformed decisions. The Government maintained that it would consider granting additional land rights to those communities that agreed to have their lands demarcated in 1999, but it did not take action to do so.

In March 2000, the U.N. Human Rights Committee expressed regret that the Government had not yet amended the Amerindian Act and expressed concern that Amerindians did not enjoy fully the right to equality before the law. The Committee particularly was concerned that the right of Amerindians to enjoy their own culture was threatened by logging, mining, and delays in the demarcation of their traditional lands, and that in some cases insufficient land was demarcated to enable them to pursue their traditional economic activities.

National/Racial/Ethnic Minorities

Longstanding ethnic tensions, primarily between citizens of African descent and those of South Asian origin, continued to influence society and political life. Racial grouping of social and political organizations polarized society along ethnic lines, and discrimination and exclusion continued to occur. Members of both the largely Indo-Guyanese PPP and the largely Afro-Guyanese PNC engaged in rhetorical and propaganda attacks that fueled racial tensions.

The civil service and defense and police forces overwhelmingly were staffed by Afro-Guyanese. Recruitment efforts targeted at Indo-Guyanese candidates for the uniformed services generally met with an unenthusiastic response, with most qualified Indo-Guyanese candidates opting for a business or professional career over military, police, or public service. In the aftermath of the 1997 and 2001 national elections, the Government continued efforts to recruit Indo-Guyanese for the security forces. The Government also sponsored various forums for discussion of racial problems and to promote inclusion, and it supported the work of NGOs that dealt with these concerns.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of association and specifically enumerates workers' rights to form or belong to trade unions. The Trade Unions Recognition Law, which requires employers to recognize the union chosen by a majority of the workers, came into effect in 1999, but implementation has been slow. The Trade Unions Recognition Board, created by this act, did not grant recognition to any new unions; it issued recommendations to recertify existing unions that previously had represented workers, but the process was delayed.

Approximately 32 percent of the work force was unionized. Most union members worked in the public sector and in state-owned enterprises. There was no law prohibiting antiunion discrimination by employers.

Organized labor freely associated in the major national federation, the Guyana Trades Union Congress (GTUC), which was composed of 22 unions. There was a tradition of close ties between the trade union movement and political parties. Historically, the two major political parties have wielded significant influence over the leadership of several unions, and trade union officials often served in dual roles as party officials. This arrangement occasionally led to overt politicization of labor issues. Efforts to negotiate a new contract between the Government and the Guyana Public Service Union (GPSU) were deadlocked amid allegations of bad faith that had distinct political and racial overtones. The GPSU was largely Afro-Guyanese and the governing PPP was largely Indo-Guyanese.

Unions and their federations freely maintained relations with recognized international trade union and professional groups. All three of the major international trade union federations had affiliates in the country.

b. The Right to Organize and Bargain Collectively

Public and private sector employees possessed and utilized the right to organize and to bargain collectively. The Ministry of Labor certifies all collective bargaining agreements and has never refused to do so. Individual unions directly negotiated collective bargaining status, pursuant to the 1993 repeal of a regulation that required that all collective bargaining be negotiated through the GTUC. Unions were dissatisfied with a provision that granted the Ministry of Finance veto power over wage contracts negotiated by other ministries. The Chief Labor Officer and the staff of the Ministry of Labor provided consultation, enforcement, and conciliation services.

The law provides workers with the right to strike. Strikes may be declared illegal if the union leadership did not approve them, or they did not meet the requirements specified in collective bargaining agreements. Public employees providing essential services may strike if they provide the proper notice to the Ministry of Labor and leave a skeleton staff in place, but they were required to engage in compulsory arbitration to bring an end to a strike. The International Labor Organization (ILO) urged the Government to amend this legislation to limit the use of compulsory arbitration to only those strikes in services the interruption of which would endanger life, personal safety, or health. There was no law prohibiting retaliation against strikers or antiunion discrimination by employers; however, this principle always was included in the terms of resumption after a strike. The Trade Unions Recognition Law defines and places limits on the retaliatory actions employers may take against strikers. Arbitration rulings, when agreed to by the contending parties, were legally enforceable.

During negotiations in October for a new contract with the Government, the GPSU demanded a 64 percent increase in the monthly minimum wage. It argued that a substantial increase would end underperformance and an exodus of trained and skilled public servants. The negotiations deadlocked, and in November the Government announced it would grant a 5 percent increase to most public service workers, retroactive to January. The GPSU rejected the increase, stating that it was intended to create the false impression that the Government was responding to public calls for economic assistance. The GPSU continued to insist that the matter be resolved through arbitration, to which both sides had previously agreed. The Government stated that it had consistently increased wages for public servants since taking office in 1992.

In 1999 following a civil service strike, an arbitration panel awarded government workers an across-the-board 31 percent pay increase for 1999, an additional 26 percent increase in 2000, and step increases. While the Government paid the annual increases, it did not agree to implement step increases; pay increases must be negotiated annually.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, and there was no indication that it occurred. The Government prohibited forced or bonded labor by children and generally enforced this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment

The Factories Act and the Employment of Young Persons and Children Act set out minimum age requirements for employment of children. According to UNICEF, however, child labor in the informal sector was a problem, and it was common to see very young children engaged in street trading in the capital. Legally, no person under age 14 may be employed in any industrial undertaking and no person under age 16 may be employed at night, except under regulated circumstances. The law permits children under age 14 to be employed only in enterprises in which members of the same family were employed.

While the Ministry of Labor recognized that child labor existed in the informal sector, it did not employ sufficient inspectors to enforce existing laws effectively. The practice of teenage prostitution was a problem (see Section 6.f.).

e. Acceptable Conditions of Work

The Labor Act and the Wages Councils Act allow the Labor Minister to set minimum wages for various categories of private employers, but there was no legislated private sector minimum wage. As a result of the civil service arbitration ruling in 1999

(see Section 6.b.), the minimum public sector wage increased to \$104 (G\$19,000) per month. Although enforcement mechanisms existed, it was difficult to put them into practice, and unorganized workers, particularly women and children in the informal private sector, often were paid less than what was required legally. The legal minimum wage for the public sector was insufficient to provide a decent standard of living for a worker and family.

The Shops Act and the Factories Act set hours of employment, which vary by industry and sector. In general work in excess of an 8-hour day or a 44-hour week required payment of an overtime rate. However, if the initial contract stipulated a 48-hour workweek, then the overtime rate applied only for hours worked in excess of 48 hours. The law does not require at least a 24-hour rest period each week.

The Factories Act also establishes workplace safety and health standards. The Ministry of Labor implemented programs in the workplace to promote HIV/AIDS awareness and provide information on related health issues in order to combat discrimination. The Occupational Health and Safety Division of the Ministry of Labor was charged with conducting factory inspections and investigating complaints of substandard workplace conditions. The ILO's Committee of Experts criticized the Occupational Health and Safety Act for failing to protect workers adequately who use chemical substances that were proven to be carcinogenic. As with its other responsibilities, inadequate resources prevented the Ministry from effectively carrying out this function. Workers could not remove themselves from dangerous work situations without jeopardizing continued employment.

f. Trafficking in Persons

There were no laws that specifically prohibit trafficking in persons, and there was some evidence that women were brought into the country from Brazil to work in clubs and bars, and that women from Colombia and the Dominican Republic were trafficked through Guyana to Suriname, where they were reportedly trained to become sex workers in Europe.

There were reports of child prostitution, by teenagers in cities and in remote gold mining areas in Amerindian communities.

There were also occasional reports of trafficking in persons of Chinese and South Asian origin, who would immigrate illegally to the United States under conditions amounting to debt bondage. Persons providing fraudulent documents for the purpose of facilitating illegal immigration can be charged with obtaining money under false pretenses, which carries a small fine and a 6-month prison sentence. Some fraud cases were prosecuted during the year.